

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE CHICAGO PAINTERS)	
AND DECORATORS PENSION FUND, et al,)	
)	
Plaintiffs,)	
)	08 C 1300
vs.)	Judge Dow
)	
RUBIN ANDERSON, Individually,)	Magistrate Judge Keys
)	
Defendant.)	

**PLAINTIFFS' MOTION FOR ORDER OF DEFAULT AND FOR
JUDGMENT IN A SUM CERTAIN**

Plaintiffs, by and through their attorneys, DONALD D. SCHWARTZ, JAMES R. ANDERSON, ANTHONY B. SANDERS and ARNOLD AND KADJAN, move this Court to enter an order of default and judgment in sum certain in favor of Plaintiffs and against the Defendant. In support of their Motion, the Plaintiffs state as follows:

1. The defendant was personally served with the Summons and Complaint on May 1 2008, as shown by the return of service previously filed with the Clerk of the Court on May 1, 2008.
2. Employers are required to post bonds for the prompt payment of fringe benefit fund contributions, and the failure to do so imposes personal liability upon the corporate officials of the employer in the amount that is owed to Plaintiffs. See Affidavit of Tracy Kuntzman, attached as Exhibit 1, para.5.
3. According to the Affidavit of Ms. Kuntzman, attached as Exhibit 1, the defendant failed to have a bond in effect during the time of the alleged delinquency, after 2005.

4. As a consequence of the failure to provide the bond, the defendant RUBIN ANDERSON is personally liable for any amounts that are owed to the Plaintiffs. See Exhibit 1, para. 5-6.

6. According to the Affidavit of Richard Wolf, attached hereto as Exhibit 2, ROSELENE PAINTING owes the amount of \$2,512.72 to Plaintiffs, consisting of \$1,296.66 in contributions, \$194.49 in liquidated damages, \$301.57 in prior liquidated damages, and \$720.00 for audit costs. RUBIN ANDERSON is personally liable for the amounts that are owed to the Funds.

WHEREFORE, Plaintiffs pray that this Court grant the following relief:

- A. Enter an order of default against the defendant.
- B. Enter final judgment in favor of Plaintiffs and against the Defendant in the amount of \$2,512.72. (A proposed judgement order is attached as Exhibit 3).

Respectfully submitted,

By: S/James R. Anderson
One of Plaintiffs' attorneys

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